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November 7, 2005

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Re: *In re Terrorist Attacks on September 11, 2001*, 03-MDL-1570 (RCC)

Dear Ms. Bierstein and Mr. Hickman:

We write this letter on behalf of defendants Prince Salman bin Abdulaziz Al-Saud, Prince Naif bin Abdulaziz Al-Saud, and the Saudi High Commission (the "SHC") (collectively, the "Defendants") to request that the plaintiffs agree to dismiss the Defendants from several remaining cases in which they are named.

In Ms. Beirstein's October 28, 2005 voice-mail to Casey Cooper, she acknowledged that the plaintiffs have made no attempt to serve Prince Salman, Prince Naif, or the SHC in any of the following cases: *Burnett v. Al Baraka Investment & Development Corp.*, 03-CV-5738 (the "New York Burnett" case); *Euro Brokers Inc. v. Al Baraka Investment & Development Corp.*, 04-CV-7279; and *World Trade Center Properties LLC v. Al Baraka Investment & Development Corp.*, 04-CV-7280.¹ The SHC has also confirmed that it has not been served in *New York Marine & General Insurance Co. v. Al Qaida*, 04-CV-6105.

Case Management Order No. 2 required that service upon defendants located in a foreign country be completed by October 15, 2004, for those defendants named by June 16, 2004, or, for those defendants named after June 16, 2004, within 120 days of being named. CMO#2 ¶11. All of those deadlines have long passed with respect to Prince Salman, Prince

¹ Prince Salman and the SHC previously moved to dismiss the *New York Burnett* case as part of their consolidated motions to dismiss. Those motions were fully briefed and argued. In its September 21, 2005 Opinion and Order, however, the Court omitted any reference to the *New York Burnett* case.

BAKER BOTTS_{LLP}

Ms. Andrea Bierstein
Mr. Kevin Hickman

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Naif, and the SHC in *New York Burnett, Euro Brokers, and World Trade Center Properties*, and with respect to the SHC in *New York Marine*. In light of this, we ask that Ms. Bierstein, on behalf of the plaintiffs in *New York Burnett, Euro Brokers, and World Trade Center Properties*, agree to voluntarily dismiss Prince Salman, Prince Naif, and the SHC from those cases for lack of service. We also ask that Mr. Hickman, on behalf of the plaintiffs in *New York Marine*, voluntarily dismiss the SHC from that case for lack of service. We have attached a proposed Notice to effectuate this.

Please let me know by November 10, 2005 whether the plaintiffs are agreeable to voluntarily dismissing Prince Salman, Prince Naif, and the SHC as indicated above. If not, the Defendants will, on or shortly after that date, file a motion or motions to dismiss for failure to attempt service in *New York Burnett, Euro Brokers, and World Trade Center Properties* as to Prince Salman, Prince Naif, and the SHC; and in *New York Marine* as to the SHC.

We look forward to hearing your comments on the enclosed draft stipulation.

Very truly yours,

BAKER BOTTS LLP

By: S/
Jamie S. Kilberg

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Enclosure

cc: All Plaintiffs' Counsel